IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22951 of 2004

Between:

M.Dakshina Murthy, E-107649, S/o.Bhoomaiah,
R/o.Adilabad, Adilabad Dist.

..... PETITIONER

AND

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1 The APSRTC Rep. by its Regional Manager, Adilabad Region,

Adilabad.
2 The APSRTC Rep.by its Depot Manager, Adilabad, Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 2nd respondent herein in initiating the Disciplinary proceedings against the petitioner for the depositions made in the court and issuing proc.No.E2/P2/ 292(01)/2004-ADB, dt.4-12-2004 proposing to remove the petitioner from service is without jurisdiction, contrary to the regulations, illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: SMT. P.RAJANI REDDY

The Court made the following:

ORDER:

Challenging the show cause notice dated 4-12-2004 the present writ petition is filed.

The petitioner is a conductor in APSRTC. He was issued with charge sheet on 2-11-2004 for having suppressed the name and identity of the driver, who was accused of the accident which took place on 11-4-2001, in C.C.No.810 of 2001 before the Judicial First Class Magistrate, Laxettipet. A departmental enquiry was ordered against him. After completion of the enquiry, the Enquiry Officer submitted a report to the Disciplinary Authority. The Disciplinary Authority having accepted the Enquiry Officer's report issued the impugned notice. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contended that only for giving evidence in the court a show cause notice was issued. Therefore, the same is liable to be set aside.

On the other hand, learned Standing Counsel for the respondent contended that it is only a show cause notice and there is no need to set aside the impugned proceedings.

As seen from the record, the impugned order dated 4.12.2004 is only a show cause notice calling upon the petitioner to submit his explanation. The Disciplinary Authority made it clear that the writ petitioner can meet him for personal hearing, if he so desires. Instead of doing so, the writ petitioner hastily rushed to this court. The jurisdiction or authority of the person, who issued show cause notice is not under challenge. Whether the petitioner intentionally gave false evidence in the court, or not, is a matter, which has to be determined and decided by the appropriate Disciplinary Authority in accordance with the Rules. Since it is only a show cause notice, this court cannot interfere with the impugned proceedings. Inasmuch as the same has to be completed in accordance with law, and Rules and Regulations of the Corporation. Since immediately after issuing of show cause notice dated 14-12-2004 the writ petitioner approached this court, there was no scope or possibility for him to submit his explanation. Hence, another two weeks time from today is given to the writ petitioner for filing his explanation to the show cause notice dated 4-12-2004. Thereafter, if the petitioner desires any personal hearing, the same shall have to be considered by the Disciplinary Authority in accordance with the Rules and Regulations of the Corporation, and shall pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of.

K.C. Bhanu, J.

11th February, 2005

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To

1 The Regional Manager, APSRTC, Adilabad Region,

Adilabad.
2 The Depot Manager, APSRTC Adilabad, Adilabad Dist.

3 2 CD copies.